

JS 44C/SDNY
REV. 12/2005

CIVIL COVER SHEET

The JS-44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for use of the Clerk of Court for the purpose of initiating the civil docket sheet.

PLAINTIFFS
CHRIS DE LUCADEFENDANTS
EQUIPMENT SALES & SERVICE, INC. and FORD MOTOR
COMPANY (Improperly plead as Ford Motor Corporation)

ATTORNEYS (FIRM NAME, ADDRESS, AND TELEPHONE NUMBER)

Sergei Lemberg, Esq., LEMBERG & ASSOCIATES, 30
Oak St., Suite 401, Stamford, CT 06905 (203)653-2250

ATTORNEYS (IF KNOWN)

James S. Dobis, Esq., DOBIS, RUSSELL & PETERSON, 7
Elk Street, Lower Level, New York, NY 10007 (212)593-3310

CAUSE OF ACTION (CITE THE U.S. CIVIL STATUTE UNDER WHICH YOU ARE FILING AND WRITE A BRIEF STATEMENT OF CAUSE)

Magnuson-Moss Warranty Act

Has this or a similar case been previously filed in SDNY at any time? No ☒ Yes? ☐ Judge Previously AssignedIf yes, was this case Vol ☐ Invol. ☐ Dismissed. No ☐ Yes ☐ If yes, give date _____ & Case No. _____

(PLACE AN [x] IN ONE BOX ONLY)

NATURE OF SUIT

ACTIONS UNDER STATUTES

TORTS		FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES
CONTRACT	PERSONAL INJURY	PERSONAL INJURY	LABOR	LABOR
[] 110 INSURANCE	[] 310 AIRPLANE	[] 362 PERSONAL INJURY -	[] 810 AGRICULTURE	[] 400 STATE
[] 120 MARINE	[] 315 AIRPLANE PRODUCT	MED MALPRACTICE	[] 820 FOOD & DRUG	REAPPORTIONMENT
[] 130 MILLER ACT	[] 320 ASSAULT, LIBEL &	[] 365 PERSONAL INJURY	[] 825 DRUG RELATED	[] 410 ANTITRUST
[] 140 NEGOTIABLE	SLANDER	PRODUCT LIABILITY	SEIZURE OF	[] 430 BANKS & BANKING
INSTRUMENT	[] 330 FEDERAL	[] 368 ASBESTOS PERSONAL	PROPERTY	[] 460 COMMERCE/CC
[] 150 RECOVERY OF	EMPLOYERS'	INJURY PRODUCT	21 USC 881	RATES/ETC
OVERPAYMENT &	LIABILITY	LIABILITY	[] 830 LIQUOR LAWS	[] 460 DEPORTATION
ENFORCEMENT OF	[] 340 MARINE	PERSONAL PROPERTY	[] 840 RR & TRUCK	[] 470 RACKETEER INFLU-
JUDGMENT	[] 345 MARINE PRODUCT	[] 370 OTHER FRAUD	[] 850 AIRLINE REGS	ENCED & CORRUPT
[] 151 MEDICARE ACT	LIABILITY	[] 371 TRUTH IN LENDING	[] 860 OCCUPATIONAL	ORGANIZATION ACT
[] 152 RECOVERY OF	[] 350 MOTOR VEHICLE	[] 380 OTHER PERSONAL	SAFETY/HEALTH	(RICO)
DEFAULTED	[] 355 MOTOR VEHICLE	PROPERTY DAMAGE	[] 880 OTHER	[] 480 CONSUMER CREDIT
STUDENT LOANS	[] 360 OTHER PERSONAL	PRODUCT LIABILITY		[] 490 CABLE/SATELLITE TV
(EXCL VETERANS)	INJURY			[] 810 SELECTIVE SERVICE
[] 153 RECOVERY OF				[] 850 SECURITIES/
OVERPAYMENT OF				COMMODITIES/
VETERANS BENEFITS				EXCHANGE
[] 160 STOCKHOLDERS SUITS				[] 875 CUSTOMER
[] 160 OTHER CONTRACT				CHALLENGE
[] 165 CONTRACT PRODUCT				12 USC 3410
LIABILITY				[] 881 AGRICULTURE ACTS
[] 166 FRANCHISE				[] 892 ECONOMIC
				STABILIZATION ACT
				[] 893 ENVIRONMENTAL
				MATTERS
				[] 894 ENERGY
				ALLOCATION ACT
				[] 895 FREEDOM OF
				INFORMATION ACT
				[] 896 APPEAL OF FEE
				DETERMINATION
				UNDER EQUAL ACCESS
				TO JUSTICE
				[] 897 CONSTITUTIONALITY
				OF STATE STATUTES
				[] 898 OTHER STATUTORY
				ACTIONS

Check if demanded in complaint:

CHECK IF THIS IS A CLASS ACTION
UNDER F.R.C.P. 23DO YOU CLAIM THIS CASE IS RELATED TO A CIVIL CASE NOW PENDING IN S.D.N.Y.?
IF SO, STATE:

DEMAND \$ _____ OTHER _____ JUDGE _____ DOCKET NUMBER _____

Check YES only if demanded in complaint
JURY DEMAND: ☒ YES ☐ NO

NOTE: Please submit at the time of filing an explanation of why cases are deemed related.

(SEE REVERSE)

(PLACE AN X IN ONE BOX ONLY)

ORIGIN

☒ 1 Original Proceeding☐ 2a. Removed from State Court☐ 3 Remanded from Appellate Court☐ 4 Reinstated or Reopened☐ 5 Transferred from (Specify District)☐ 6 Multidistrict Litigation☐ 7 Appeal to District Judge from Magistrate Judge Judgment☐ 2b. Removed from State Court

AND at least one party is a pro se litigant

(PLACE AN X IN ONE BOX ONLY)

BASIS OF JURISDICTION

☐ 1 U.S. PLAINTIFF☐ 2 U.S. DEFENDANT☒ 3 FEDERAL QUESTION (U.S. NOT A PARTY)☐ 4 DIVERSITYIF DIVERSITY, INDICATE
CITIZENSHIP BELOW.
(28 USC 1332, 1441)

CITIZENSHIP OF PRINCIPAL PARTIES (FOR DIVERSITY CASES ONLY)

(Place an [X] in one box for Plaintiff and one box for Defendant)

CITIZEN OF THIS STATE	PTF DEF [] []	CITIZEN OR SUBJECT OF A FOREIGN COUNTRY	PTF DEF [] []	INCORPORATED and PRINCIPAL PLACE OF BUSINESS IN ANOTHER STATE	PTF DEF [] []
CITIZEN OF ANOTHER STATE	[] []	INCORPORATED or PRINCIPAL PLACE OF BUSINESS IN THIS STATE	[] []	FOREIGN NATION	[] []

PLAINTIFF(S) ADDRESS(ES) AND COUNTY(IES)

Chris De Luca
P.O. Box 587
Armonk, New York 10504

DEFENDANT(S) ADDRESS(ES) AND COUNTY(IES)

Ford Motor Company
3 Parklane Boulevard
Parklane Towers West
Dearborn, MI 48126-2568

DEFENDANT(S) ADDRESS UNKNOWN

REPRESENTATION IS HEREBY MADE THAT, AT THIS TIME, I HAVE BEEN UNABLE, WITH REASONABLE DILIGENCE, TO ASCERTAIN THE RESIDENCE ADDRESSES OF THE FOLLOWING DEFENDANTS:

EQUIPMENT SALES & SERVICE, INC.

Check one:

THIS ACTION SHOULD BE ASSIGNED TO:
(DO NOT check either box if this a PRISONER PETITION.)

☒ WHITE PLAINS☐ FOLEY SQUARE

DATE

11/21/07

RECEIPT #

SIGNATURE OF ATTORNEY OF RECORD

s/James S. Dobis, Esq.

ADMITTED TO PRACTICE IN THIS DISTRICT

[] NO

☒ YES (DATE ADMITTED Mo. 11 Yr. 1984)

Attorney Bar Code # JD1425

Magistrate Judge is to be designated by the Clerk of the Court.

Magistrate Judge _____ is so Designated.

J Michael McMahon, Clerk of Court by _____ Deputy Clerk, DATED _____

UNITED STATES DISTRICT COURT (NEW YORK SOUTHERN)